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RICHARD S. SPERO

CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KYONG HWAN JOO,

Plaintiff,

v.

JO ANNE B. BARNHART,
Acting Commissioner of
Social Security,

Defendant.

CIVIL NO. 05-03775 JCS

ORDER TO SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED FOR FAILURE TO PROSECUTE

Plaintiff filed the complaint on September 19, 2005, pursuant to 42 U.S.C. 405(g), for Court review of a denial of Social Security benefits. Defendant was served on October 28, 2005, and filed the Answer to Plaintiff's complaint on January 20, 2006. Civil Local Rule 16-5 states: "Within 30 days of receipt of defendant's answer, plaintiff must file a motion for summary judgment pursuant to Civil L.R. 7-2 and FR CivP 56." As of the date of this Order, Plaintiff has not filed a Motion for Summary Judgment.

Based on the Court's review of the file in this matter,

IT IS HEREBY ORDERED that, no later than ^{October} ~~September~~ 1, 2006, Plaintiff shall file a declaration showing cause why this action should not be dismissed for failure to prosecute.

DATED: 9/7/06

JOSEPH C. SPERO
United States Magistrate Judge